

**Virginia Marine Resources Commission
Crab Management Advisory Committee Meeting
VMRC Conference Room**

November 23, 2009

Members Present

Members

Absent

Hon. Rick Robins
Daniel Dise (via teleconference)
Johnny Graham
Douglas Jenkins, Sr.
Ronald L. Jett
Tommy Leggett for Chris Moore
Hon. John R. McConaugha
Peter Nixon
Tom Powers
Ken Smith
Ken Diggs, Jr. for Joe Palmer

H. M. Arnold
Jim Casey
Marshall B. Cox, Sr.
Jeff Crocket
John W. Freeman, Sr.
Paige W. Hogge
Joe Palmer

VMRC Staff

Jack Travelstead
Rob O'Reilly
Joe Grist
Mike Johnson
Stephanie Iverson
Alicia Nelson

Others Present

Roger Parks

Meeting minutes were taken by Alicia Nelson.

I. Introductions/Announcements

The meeting began at 5:57 p.m. There were no introductions or announcements.

II. Approval of the minutes from the May 14, 2009 meeting

The minutes were approved.

III. Old business

A. Discussion: Turtle/Finfish Bycatch Reduction Devices for Recreational Crab Pots

Mr. Travelstead described the work done by Dr. Rom Lipcius' team at VIMS on the bycatch reduction devices (BRD). Data show that pots outfitted with the BRDs actually caught crabs better than those without the device, and a similar study showed that BRDs did not inhibit the crab catch, while keeping diamondback terrapins out.

Mr. Travelstead said that Dr. Lipcius asked the Commission to consider a regulation that would require these devices in all recreational crab pots because other states have taken similar actions, and recreational crab pots are most likely to be set in areas that would affect diamondback terrapins.

Mr. Travelstead said there are times of the year that the commercial fishery also sets pots in shallow water. One question for the group is whether these devices should be required in crab pots. If so, should the requirement apply to recreational pots only or both recreational and commercial pots? Also, if this were enacted, how much advance notification should we give to the public of this rule?

Mr. Travelstead expressed concern if diamondback terrapins are listed as federally endangered or threatened, the federal government may step in to manage the crab pot fishery. He said that this doesn't have to be acted on immediately. The VMRC could not require this for April because the public would need at least a year for the change.

Mr. Robins said that he didn't know how many people have recreational crab pots and was concerned about getting notice to constituents. Would delayed implementation, such as fishing year 2011, be enough time?

Mr. Travelstead said that the most effective way would be to get the word out to those selling crab pots. It would be difficult to contact all recreational crab pot owners.

Mr. Jenkins disagreed with the student study. His personal study had different results. He argued that commercial fishermen can target the crabs better and fish them on a daily basis.

Mr. Diggs asked for clarification about diamondback terrapins and the BRD. He didn't think that there was a risk to diamondback terrapins from commercial crab pots, but recreational crab pots may be a risk.

Mr. Smith felt that the numbers of crabs in the pots would decline with these devices.

Mr. Powers described the BRD regulations relating to terrapins in other states. He felt that any VMRC restrictions should be similar to other states that require the devices in shallow water.

Mr. Leggett asked what indication there was that the numbers were declining. Mr. Travelstead said that there were several indicators of decline.

Mr. Nixon was worried about fishermen losing the ability to shape the funnels. He felt that it would be counterproductive to catching large crabs, and it would negatively affect the commercial crabber eventually.

Mr. Robins asked Mr. Travelstead to ask Dr. Lipcius to come and present the catch data. Mr. Robins was specifically interested in whether the size composition of the catch was affected.

Mr. Powers asked about recreational compliance with cull rings, and Mr. Nixon said that manufacturers put required rings in the pots already. Mr. Nixon, Mr. Jenkins, and Mr. Powers clarified the placement of the BRD devices in the funnel.

Mr. Powers suggested requiring stores that sell recreational crab pots to put BRDs in for 1 year before they are required. He also suggested making sure the BRDs were available in those stores as well and to use a regional approach to target the diamondback terrapin hot spots.

Mr. Robins said that he did not think the committee was ready to move forward with action, at this time, and he asked that Dr. Lipcius be invited back to speak to the committee.

Mr. Powers asked Mr. Travelstead for a summary of BRD regulations along the coast.

IV. New Business

A. Discussion: North Carolina's white sign peeler law

Mr. Travelstead led the discussion on the white sign peeler law in North Carolina. He said that there is mortality in the shedding of white sign peelers, but the Commission has been hesitant to bring regulatory action on it. North Carolina has a different approach that allows a fisherman to possess white sign peelers if he's going to shed them himself. Beyond that, he cannot sell his harvest of white sign peelers to other shedders. The belief is that the rule would minimize the harvest of white sign peelers because the harvester could only harvest as much as he could shed. It also is unlawful to possess male white line peelers during the summer months in North Carolina for improved production of male crabs in the fishery.

Mr. Travelstead said we should be concerned about the health of the male crab in the bay. Previous regulations have not targeted the male crab. This is a discussion item for the meeting, and nothing has to be decided at this time.

Mr. Jenkins said that the only difference between white sign and pink or red sign peelers is two or three days when shedding. It doesn't matter between males or females. He said that it depends on the temperature and type of system. He said that the peeler run starts in the lower bay, and as the temperature increases, the run moves up the bay. If you don't accumulate white sign peelers, and the timing is wrong, you may waste a whole run of crabs. Without allowing white sign peelers, it cuts the northern area fishermen's season down to a few days.

Mr. Nixon discussed the North Carolina law and said that the goal was to eliminate the high mortality and waste of male white line peelers in the summer. He clarified that you can keep the white line peelers as long as you shed your own crabs, so that it wasn't intended to hurt those that had their own businesses. He suggested eliminating the last regulatory size change for peelers as a trade off for a measure like the North Carolina law. He said the less you handle them, the less you lose. He also suggested a geographical date change as you move up the bay.

Mr. Robins asked about the 50% mortality rate for white sign peelers that was referenced in the North Carolina paper, and Mr. Nixon said that there was a very high mortality, especially when the temperatures increased. The North Carolina regulation attempts to not hurt the crabbers while eliminating some of that waste.

Mr. Diggs reiterated that there is lower mortality in cooler temperatures during the spring months. Mr. Robins asked what the percentage mortality was, and Mr. Diggs responded that he didn't know because they don't keep the white sign peelers.

Mr. Jenkins described his shedding successes with white sign peelers by carefully monitoring the salinity.

Mr. Travelstead asked if Mr. Jenkins sold white sign crabs to other shedders, and Mr. Jenkins responded no. Mr. Travelstead said that most of the North Carolina law would not prevent what you want to do. It allows you to keep them and sell them yourself, but you can't sell them to others. Beyond the summer restrictions, you can keep them, but you can't sell them to other shedders.

Mr. Robins said that the question is what the best management practice for the fishery would be and what would minimize impact. One of the problems in North Carolina was out-of-state buyers.

Mr. Nixon mentioned that there were some crabbers who sold to shedders in Crisfield, Maryland.

Mr. Jenkins said that sooks caught in salt water have very high mortality. He said that by the time they are caught, sorted, and transported, many of them are dead. He did not agree with restricting the shedding operations any further.

Mr. Robins asked Mr. Graham about waste in the processing of peelers, and Mr. Graham said that they don't throw any away, but they may come off of the boat dead. Mr. Robins clarified that they do not get wasted.

Mr. Dise expressed concern about where it's going to stop. In Tangier, there is low mortality during the spring run. He was worried that this would be a gateway into restricting shedding operations and that it would require subjective judgment from law enforcement. He was worried about the long-term implications to

watermen and wasn't sure how much this would help the crab population in the long term.

Mr. Graham said that he doesn't like that the rule would be a judgment call for law enforcement, and he compared it to the black sponge rules. He said that it would be better to use the size of the crab. He mentioned that the size and quality of the crab product from Virginia needs to improve. Overall, in his experience, the size of the crab was the most important. He asked about the minimum 5-inch male hard crab rule and if we knew that a 5-inch male crab was fully mature.

Dr. McConaugha responded that 5-inch males reproduce but agreed that the 5-inch rule was put into place because of the picking house rules. He said there is no basis for the 5-inch limit.

Mr. Graham mentioned that return on larger crabs was greater and discussed marketability of crabs in light of international competition for the market.

Mr. Smith said that he was worried that cull rings have resulted in selective breeding in reverse, resulting in smaller crabs.

Mr. Nixon asked Dr. McConaugha about growth of male and female crabs and if the males continued to shed. Dr. McConaugha answered that they do continue to shed, but the intermolt period becomes longer. He also said that the increased fishing pressure causes females to mature at smaller sizes. It's probably not due to genetic changes, but there is evidence that non-genetic pressures could have an effect on these crabs.

Mr. Robins said that a working group should address the issue of waste through white sign peelers. He said that the state needs to do some work on this before we move forward.

Mr. Powers asked about the difference between shipping off peelers and home-based operations. He asked Mr. Travelstead what percentage of peeler sales go to out-of-state buyers.

Mr. Grist said that we don't have that information if the crabber marks retail on the mandatory reporting forms.

Mr. Graham asked what drives this is the dollar value of the peeler. The Virginia season begins at the same time as Maryland, and North Carolina begins earlier. By the time the Virginia market begins, the soft crab market has come down. He also mentioned that the quality of crab from Virginia was low.

Mr. Robins asked Mr. Travelstead for detailed information about the composition of peeler catch, including the percentage sold versus the percentage self-marketed. He said that the committee needed to get a sense of the out-of-state sales of peeler crabs.

Mr. Travelstead said that at some point, we need to figure out how to improve the quality of the product to improve the fishery.

B. Discussion: Transfers of crabbing licenses

Mr. Travelstead said that the VMRC limits crab license transfers to 100 transfers per year, unless a crabber dies, becomes very sick, or it is a family transfer. We have hit that limit every year.

The VMRC was able to purchase 359 licenses (664 bids totaling over 30 million dollars were received) with the 6.7 million dollars that were available. Overall, the VMRC has been pleased with the program and received a lot of good bids. Because of the program, there are 75,000 fewer pots that can be put in the water.

Last year, the VMRC reduced the number of pots every fisherman could set by 15% and, including the 75,000 pots that have been bought back, is 18% of the total number of pots that could be set if everyone set their pots. The potential number of pots that could be set has been cut back by about one-third, and that should result in long-term benefits to the resource and the fishery.

The program purchased 59 full-time licenses, 131 part-time licenses, and 169 wait list licenses. The average price paid for a full-time license was 57,000 dollars, for a part-time license was 18,000 dollars, and for a wait list license was 8,000 dollars.

Because some active licenses have been eliminated, there are also short-term benefits. But the short-term benefits will be lost if those individuals who sold their licenses turn around and buy someone else's license. Mr. Travelstead asked if the VMRC should put a short-term halt on license transfers in order to keep those short-term benefits.

Mr. Powers asked if those who entered the buy-back program agreed to move out of the fishery. Mr. Travelstead said that the program was modified to make it clear that it was only the license that is being eliminated, and the individuals are still eligible to buy back in by purchasing a current license from someone else.

Mr. Diggs said that the full-time permittees would probably get a transfer from a family member and fish again next year. He wanted to know how many were entering back into the fishery. Mr. Travelstead said that there have already been calls from crabbers preparing to reenter the fishery.

Mr. O'Reilly said the committee and Commission had already looked at the issue with the waiting list, and it was decided that after 3 years of 200 million or greater abundance of age-1+ crabs, individuals on the waiting list could start to reenter the fishery—that standard could apply here as well. There has already been 1 year of 200 million crabs. This is a chance to use that metric.

Mr. Robins suggested prohibiting non-family transfers for 3 years.

Mr. Diggs asked if we should open the crab dredge fishery before allowing individuals on the waiting list to reenter the fishery. He felt that those who were actively making their living off of the water should be allowed to come in first.

Mr. Smith asked for clarification as to whether the 59 full-time crabbers who were bought out represented 50% of the money, and Mr. Travelstead confirmed that it did.

Mr. Jett asked about the change in wording to allow re-entry, and Mr. Travelstead said that the wording was changed to clarify that it was the license only that was removed. The Commission amended the regulation to state that a crabber could reenter the fishery.

Mr. Nixon asked if those who were bought out could act as an agent, and Mr. Travelstead said that they could.

Dr. McConaugha asked if the VMRC knew how many of the bought-out licensees had family members with licenses, and Mr. Travelstead said that family information was not available for everyone.

Mr. Powers asked how the committee felt about limiting those who were bought out from entering the fishery for three years.

Mr. Smith motioned to leave the limit at 100 transfers. There was no second to the motion, and the motion failed.

Mr. Powers motioned to eliminate transfers until there are 3 years in a row of an abundance of blue crabs in excess of 200 million. The earliest individuals could transfer would be in April 2011. There was no second, and the motion failed.

C. Other Business

Mr. Smith was concerned about the 65 thousand dollars of the crab disaster relief funds that were given to the Marine Products Board for the oyster aquaculture. He was concerned that the benefits would not reach the intended recipients. He was also concerned that the spat-on-shell program funds had not been distributed yet.

Mr. Travelstead said that the program was approved, but the federal government was so late in approving the budget, that it went off schedule. The program is probably going to be delayed until next year. Mr. Nixon described the delays and a few of the problems that the spat-on-shell program is facing at this time.

Mr. Smith asked about the environmental impact study that was supposed to be presented by Dr. Lipcius in September. Mr. Travelstead replied that Dr. Lipcius would be asked to attend the next meeting.

Mr. Robins asked for a presentation on the ecosystem work as well.

Mr. Powers asked if the committee members could have copies of the report that is being sent to the governor, and Mr. Travelstead said that the report will be posted online in the next few weeks.

Mr. Nixon asked about removing the black sponge crab law and closing the old crab sanctuary year-round as mitigation. The group discussed the waste in the black sponge crab fishery.

Mr. Robins said that there was a lot of dissatisfaction with the black sponge rule last year and suggested that committee members think about trade-offs over the next couple of months for future discussion.

Mr. Smith asked about the percentage savings from the 15% reduction in crab pots, and Mr. Robins said that there was not a quantitative savings calculated for the reduction in gear.

Mr. Smith also asked to address winter dredge fishery, since the buy-back program removed more pots out of the water.

Mr. O'Reilly said that there is a certain amount of crab resource available each year. If you remove some pots, it doesn't mean that you see that many extra crabs. What really happens is that you see a change in the catch-per-pot. That is the catch-per-unit-effort, and it is why a percentage decrease in the harvest based on pot reductions can not be determined.

V. Next Meeting

It was decided to have a meeting in January.

VI. Adjournment

The meeting adjourned at 8:00 p.m.